

Application No.: 10/840,121

Docket No.: 04-SEM/111

REMARKS

The Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 6,123,259 to Ogasawara. Applicants amended claims 1, 6 and 11 to remove reference to "one or more" and replace it with the article "a." Applicants make this amendment because the claims are written with the open-ended transitional term "comprising," which leaves the claim open for the inclusion of additional elements. This amendment is not made to overcome any claim rejections.

In view of the below remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Additionally, Applicants have added new claims 45 – 60, which also recite allowable subject matter. No new matter has been entered by these amendments, and their entry is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

A. Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 – 12 under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 6,123,259 to Ogasawara. Particularly, the Examiner alleges that Ogasawara teaches a "data collection and transmission node means that has a data memory for storing the location of said data collection and transmission means... and transmitting said data" However, Ogasawara does not teach this. Instead, in Ogasawara, the terminal 5 reads scans a product UPC, and the UPC is transmitted to a server 50. (8:55-67). The server 50 then looks up the product location based on the UPC. As such, even if the terminal can be considered a data collection and transmission node, the terminal does not transmit its location data. Therefore, applicants respectfully submit that, for at least this reason, the rejection under 35 U.S.C. § 102 is improper and should be withdrawn.

Similarly, newly added claims 45 – 60 each recite that the location of the data collection node is sent from the data collection node to a central location. Thus, for the same reasons outlined above, these claims are distinguishable over Ogasawara.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 19-1853 referencing Docket No. 04-SEM/111. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 22, 2006

Respectfully submitted,

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